

EXHIBIT C
(Order entered June 22, 2009)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KATHLEEN ARNOLD and
TIMOTHY COTTEN,

Plaintiffs,

v.

CITIMORTGAGE, INC., et al.

Defendants.

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Civil Case No. **RWT 07-2617**

MEMORANDUM OPINION AND ORDER

On September 12, 2008, this Court entered a Memorandum Opinion and Order consolidating under the above case number the five lawsuits Plaintiffs had filed in this Court *pro se*. [Paper Nos. 18 & 19.] The Court dismissed the Plaintiffs' Complaints, noting that it found them excessively long, inconsistent, confusing, and difficult to read. The Court stressed that litigation in this matter must be "subject to reasonable controls" and directed Plaintiffs "to file an amended complaint, if they choose to do so . . . containing all claims that they may have against any of the Defendants presently before this Court within thirty days of this Order, and such amended complaint may not exceed thirty pages and must be double-spaced and no smaller than 12-point font." (Mem. Op. at 4-5.) The Court had hoped that this Order would simplify the case and bring some modicum of organization to its progression. Sadly, this has not been the case.

The Court's September 12, 2008 Order specified that an amended complaint should be filed on or before October 13, 2008. Plaintiffs requested two extensions of time to file the amended complaint, which the Court granted – the first until November 2 and the second until November 18, 2008. On November 17, 2008, Plaintiffs, now represented by counsel, filed an Amended Complaint. [Paper No. 28.] On December 17, 2008, Defendants filed a motion to dismiss the Amended Complaint. [Paper No. 33]. In lieu of responding to the motion to dismiss, Plaintiffs sought and received Defendants' consent to file a Second Amended Complaint, which was filed on February 3, 2009. [Paper No. 38.]

On March 5, 2009, Defendants filed a motion to dismiss the Second Amended Complaint. [Paper No. 41.] Yet again, Plaintiffs sought and received Defendants' consent to file a Third Amended Complaint in lieu of responding to the motion to dismiss. Plaintiffs filed their Third Amended Complaint on May 5, 2009. [Paper No. 47.] Then, without seeking leave of Court or consent of the Defendants, on May 20, 2009, Plaintiffs filed a "Corrected Third Amended Complaint." [Paper No. 48.] On June 3, 2009, Plaintiffs filed a "Motion to Deem As Filed or For Enlargement of Time to File Third Amended Complaint in Lieu of Filing Response to Defendants' Motion to Dismiss Second Amended Complaint, and to Exceed Page Limitation." [Paper No. 49.] Apparently out of patience with Plaintiffs, and for good reason, Defendants filed a "Motion to Strike Plaintiffs' Third Amended Complaint and Opposition to Plaintiffs' Motion to File Corrected Third Amended Complaint." [Paper No. 50].

Plaintiffs' claims in this case arise out of a refinancing of their residence in 2003, and are certainly not unique or overly complex. Yet both the Third Amended Complaint and the proposed "Corrected Third Amended Complaint" are approximately 45 pages long. The Court sees no reason why Plaintiffs, who now have assistance of counsel, cannot comply with the Court's simple Order to state their claims against Defendants within the previously imposed 30-page limit. To date, Defendants have been notably gracious and cooperative by consenting to Plaintiffs' requests to file successive amended complaints after they had expended considerable time and resources preparing dispositive motions. But Defendants cannot be expected to endure this process indefinitely and without reasonable limitation.

Accordingly, it is this 22nd day of June, 2009, by the United States District Court for the District of Maryland,

ORDERED, that Plaintiffs' "Motion to Deem As Filed or For Enlargement of Time to File Third Amended Complaint in Lieu of Filing Response to Defendants' Motion to Dismiss Second Amended Complaint, and to Exceed Page Limitation." [Paper No. 49.] is **DENIED**; and it is further

ORDERED, Motion to Strike Plaintiffs' Third Amended Complaint and Opposition to Plaintiffs' Motion to File Corrected Third Amended Complaint" [Paper No. 50] is **GRANTED**; and it is further

ORDERED, that Plaintiffs' Third Amended Complaint and Corrected Third Amended Complaint [Paper Nos. 47 and 48] are **STRICKEN**; and it is further

ORDERED, that Plaintiffs are granted leave to file a Fourth Amended Complaint, not exceeding thirty (30) pages in length, that attaches all exhibits referenced therein and complies with all applicable Federal Rules of Civil Procedure, on or before **July 22, 2009**.

_____/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE